IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

OP.No. 24262 of 1999(L)

PETITIONER:

K. HAREENDRAN NAMBIAR, HEAD MASTER, N.N.S.U.P. SCHOOL, ALAKKAD, (PO0 KANKOL - 670 337., KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA RERPESENTED BY SECRETARY TO GOVT. , DEPT. OF GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF EDUCATION, KANNUR.

3. THE ASST. EDUCATION OFFICER, PAYYANNUR.

BY ADV. GOVT.PLEADER SRI.A.J.VARGHESE.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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DISMISSED.

5/6/2007. SD/- A.K.BASHEER,JUDGE,

APPENDIX

EXT.P1: TRUE COPY OF GOVT.ORDER DT. 8/8/88.

EXT.P2: TRUE COPY OF GOVT. ORDER DT. 22/9/90.

EXT.P3: TRUE COPY OF AUDIT OBJECTIN DT. 29/6/99.

EXT.P4: TRUE COPY OF REPLY DT. 25/5/99.

A.K. Basheer, J.

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O.P. No. 24262 of 1999-L

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Dated this the 5th day of June, 2007.

J U D G M E N T

Petitioner is a retired Headmaster. Though he has raised a contention that his provisional service in Government school has also to be reckoned for the purpose of computing pensionary benefits, it is conceded by the learned counsel that the petitioner does not intend to pursue the said claim. What remains is only the aided school service for 3 short spells , for the period starting from July 24, 1967 till December 10, 1968 , having a total period of 1 year 2 months and 12 days. It cannot be disputed that the petitioner is entitled to have the computation of aided school service for the purpose of reckoning his service benefits.

2. The other question that remains is whether the Government is justified in effecting recovery on the basis of the objection raised. A Division Bench of this Court in Krishnakumar v. Guruvayoor Devawom (2007 (1) ILR 699) has held that such recovery cannot be effected. Therefore it is held that no recovery can be effected from the petitioner . To that extent Ext.P3 is quashed.

Writ Petition is disposed of in the above terms.

A.K. Basheer
Judge.

an.

A.K. BASHEER, J

O.P.No. 24262 of 1999-L

JUDGMENT

05/06/2007.